

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case Number: 22-21281-CIV-MARTINEZ-TORRES

VALESHIA ANGLIN,

Plaintiff,

vs.

FL FONTAINEBLEAU MIAMI, and
EDEN ROC MIAMI,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

THE MATTER was referred to the Honorable Edwin G. Torres, United States Magistrate Judge, for a Report and Recommendation on Defendant Fontainebleau Florida Hotel, LLC's Motion to Dismiss or in the Alternative to Quash Service of Process ("Motion to Dismiss"). (ECF No. 12). Judge Torres filed a Report and Recommendation ("R&R"), recommending that the Motion to Dismiss be granted without prejudice, and that this case be closed. (ECF No. 14). Judge Torres concluded that dismissal was proper because Plaintiff, who is proceeding *pro se*, failed to comply with Federal Rule of Civil Procedure 4(a)(1)(B) when she served process on CT Corporation because the summons was not directed at Plaintiff's intended defendant, Fontainebleau Florida Hotel, LLC, but instead at "FL Fontainebleau Miami." (*Id.* at 3).

Plaintiff timely filed Objections to the R&R. (ECF No. 15-1). The Court has conducted a *de novo* review of the record and the arguments contained within the Objections. As to the service of process issue, Plaintiff ignores the issue that "FL Fontainebleau Miami" does not exist and is not the intended defendant of this lawsuit. (*See* ECF No. 14 at 4–5). Plaintiff also does not address

the notation made in the R&R that "Eden Roc Miami," the other named Defendant, also appears to be a nonexistent entity that is not the intended defendant to this lawsuit. (*See id.* at 5 n.3).

Accordingly, after careful consideration, it is hereby **ADJUDGED** that

1. United States Magistrate Judge Torres' Report and Recommendation, (ECF No. 14), is **AFFIRMED** and **ADOPTED**.
2. The Motion to Dismiss, (ECF No. 12), is **GRANTED**.
3. The Complaint is **DISMISSED WITHOUT PREJUDICE**, and the Clerk of Court is **DIRECTED** to mark this case as **CLOSED**.
4. Should Plaintiff choose to amend her pleading, she shall ensure compliance with the Local Rules of the Southern District of Florida and the Federal Rules of Civil Procedure. She is also advised to ensure that the amended complaint is asserted against both of her intended defendants. In other words, that both defendants are named in the amended complaint according to their official corporate entity name, and that service is properly effected on both such defendants.

DONE AND ORDERED in Chambers at Miami, Florida, this 30 day of November, 2022.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge Torres
All Counsel of Record